

FILE COPY

U.S. Supreme Court
FILED

IN THE
Supreme Court of the United States

OCTOBER TERM, 1964

No. **45**

WILLIAM C. LINN,
Petitioner,

vs.

**UNITED PLANT GUARD WORKERS OF AMERICA,
LOCAL 114, a Labor Association,
LEO J. DOYLE, BENTON L. BILBREY and
W. T. ENGLAND, Jointly and Severally,**
Respondents

On Petition for a Writ of Certiorari to the United States
Court of Appeals for the Sixth Circuit

**REPLY BY RESPONDENTS TO
MEMORANDUM FOR
UNITED STATES**

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IN THE
Supreme Court of the United States

OCTOBER TERM, 1964

No. 819

WILLIAM C. LINN,
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vs.
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Respondents respectfully suggest with reference to the Memorandum for the United States:

1. Section 1 speaks, as does the Petition, in general terms of defamation. In Respondents' Brief in Opposition, the text of the language complained of is set forth in full. Respondents deem it of great significance in this case that the alleged defamation imputed criminal conduct to the

petitioner only in his capacity as an employer and with reference to his manner of conducting labor relations.

2. Respondents are puzzled by Section 2 of the Memorandum.

In this Section of its Memorandum, the Government suggests, in support of the Petition for Certiorari, that the alleged defamation was arguably protected by Section 7 of the National Labor Relations Act, rather than arguably prohibited. Indeed, the Solicitor General says that it would not "ordinarily" be an unfair labor practice.

The Government then suggests that it does not necessarily follow that State courts are ousted of jurisdiction and cites decisions of this Court creating three areas of exception to the rule of *San Diego Building Trades Council v. Garmon*, 359 U. S. 236 (1959).

But, if in fact such activity is *protected*, a State court could only dismiss an action designed to interfere with this protected activity.

Moreover, in the cases cited as creating exceptions to *Garmon*, the defendant resisted state court jurisdiction on the ground that the conduct attributed to them, which was the subject matter of the complaint, was *prohibited* by the Act. Respondents are unaware of any exception to *Garmon* where the defendant's conduct is *protected* by Section 7 as the Government appears to argue here.

For the foregoing reasons, it is respectfully submitted that this petition for a writ of certiorari should be denied.

Respectfully submitted,

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Dated: May 4, 1965.